

WAI 2478

Honorable Chairman, esteemed Members of the UN Permanent Forum on Indigenous Issues, distinguished representatives of Indigenous Peoples, sisters and brothers of the world:

With regards to the Recent Te Ture Whenua Māori Land Act of 1993 reforms and also the Treaty of Waitangi between Indigenous Māori of NZ and the British

areas of

Crown: & with respect to the implementation of the 6 mandated areas of human rights, economic & social development the P. Forum with Ref to the UNDRIP

I speak on behalf of Wai 2478. As filed by Marise Lant, on the 1st of August 2014 to the Waitangi Tribunal alleging that the Crown has breached certain principles of the Treaty of Waitangi whilst engaged in its review and reform of Te Ture Whenua Māori Act 1993. An application for urgency seeking an urgent hearing was also lodged.

The Tribunal granted the application for urgency on the 30th September 2015. The Tribunal finished hearing our claims on the 9th December 2015. From that date until the 11 March 2016, it was engaged in writing its report. However, on the 29th of January 2016, the Crown advised the Tribunal that it had released a new version of the Bill to give effect to its reforms in advance of a further round of public information meetings. They were due to commence on the 9th February 2016. The tribunal stated further on the 3rd February 2016 that for the assistance of the parties, they would make its interim draft Chapter 3 of its report available to the parties. That chapter dealt with the review and reform process and the Crowns associated consultation processes. That chapter was released on the 5th February 2016.

In that chapter, the Tribunal found that the Crown would be in breach of the principles of The Treaty of Waitangi if it did not ensure there was properly informed broad based support from Māori for the Bill to proceed. Māori landowners, their families, sub-tribes and tribes would be prejudiced if the 1993 Act was repealed against their wishes and without ensuring adequate and appropriate arrangements for all the matters governed by that act.

The Tribunal recommended that the Crown avoid prejudice to Indigenous Māori of New Zealand by further engagement nationally via meetings and written submissions, after ensuring that Māori peoples were properly informed by means of empirical research. It also recommended that if consultation showed broad based support for the Bill to proceed-further engagement take place to refine and revise the Bill before its introduction to the New Zealand Parliament.

It is clear that the Tribunal envisaged that consultation meetings should take place after empirical research had been done as funded by the Crown. This has not occurred. Only so called information meetings have been held with no research produced. The Crown true to form continued with its '21 Information Meetings' from the 9th of February after releasing a new draft bill with no track changes in the week before the national meetings commenced. No empirical research had been completed or could be presented during these meetings.

The final report of the Waitangi tribunal was released on the 11th March 2016. It made a number of findings about the substance of the Bill that demonstrated that the policy of the Bill was contrary to the principles of the Treaty of Waitangi.

As noted earlier the Crown did not listen to the Treaty of Waitangi Tribunal recommendations, rather it continued with its 21 National Information meetings and on the 9th of February, released a new draft Bill with no tracked changes in the week before these meetings actually commenced.

Just as with the consultation round of meetings in 2015, Māori peoples had no time to absorb the contents of the new draft Bill before all these so called information meetings.

After a number of district information meetings were held, similar resolutions were moved and passed accordingly. The majority of peoples did not agree to the reforms and raised concerns about process. It was stated that the overwhelming message to the Crown from attendees is to slow down the pace of the reforms, that the majority of Māori either did not support or understand the changes to the Bill. A motion was passed asking the Minister to fully endorse the Waitangi Tribunal report before proceeding with this Bill at four East Coast district meetings.

The result of these information meetings indicates that the minister cannot say that he has broad based Māori support for these reforms. Even the meetings that have been held around the country have not been held with the release of a track change Bill.

Furthermore, as stated earlier, no empirical research has been produced as recommended by the Treaty of Waitangi Tribunal and there have not been any further announcements made about the Māori Land Service.

In conclusion, we are convinced that the WAI 2559 Claim raised very important Indigenous Māori issues that will affect Māori lands. We present these issues alongside the letter of concern as sent on the 18th April 2016, for consideration by the Special Rapporteur. We are confident that the UNDRIP will provide the necessary support needed for our concerns.

We are reminded that New Zealand Government should take effective measures, in consultation and cooperation with Māori. We emphasise that the New Zealand Government shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

We recommend that the Special Rapporteur emphasize to the New Zealand government, the importance of the United Nations and their role in the promotion and protection of the rights of indigenous Māori, and reaffirm the role of the Treaty of Waitangi, in ensuring that any legal framework review or reform that is proposed with respect to Māori Lands and artifacts must ensure that the said Treaty of Waitangi are entrenched as the basis from which any Māori land administrative regime must be developed.

ON behalf of Marise Lant, I thank you.